

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORTH WORTH DIVISION

Jose Lira - Rodriguez

Movant,

NO. 4:21-CV-1085-A

(4:15-CR-199-A)

v.

UNITED STATES OF AMERICA

Respondent,

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

NOV 12 2021

CLERK, U.S. DISTRICT COURT
By *SC* Deputy

Response to the Response
the Government for Motion Under
28 U.S.C. § 2255.

Respectfully Submitted,
Jose Lira Rodriguez
Jose Lira - Rodriguez
inmate # 36803-177
FCI Jesup
2680 HWY 301 SOUTH
JESUP, GA 31599

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Other Authorities

Black's Law Dictionary Fifth Edition

ARGUMENT

(A) Timeliness

Section 2255 contains a one year statute of limitations. See 28 U.S.C. §2255(F).

That period begins to run on the latest of:

- (1) the date on which the judgment of conviction becomes final;
- (2) the date on which the impediment to making a motion created by government action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the fact supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Lira-Rodriguez is timely on his motion under (4) of §2255(F) because only after his exercise of due diligence in *United States v. Carrillo-Lopez*, — F. Supp.3d —, 2021 WL 3667330 (D. Nev. Aug 18, 2021) was it that he was exposed to *Village of Arlington Heights v. Metropolitan Housing Development Corporation* 429 U.S. 252 (1977)

(B) Constitution

The Constitution is the Supreme law of the land and it protects the people from the government. Any time the government violates this compact it is in disagreement with the founding Fathers of this country and the organic Law.

The government cannot make a Statutory law that violates the PRIVATE rights of a man. In this case the government must show that it can violate the equal-protection of Jose Lira-Rodriguez a man on the land that is protected by the Constitution.

(Village of Arlington Heights) only points towards these God given rights which are inalienable. Inalienable Rights. - Rights which are not capable of being surrendered or transferred without the consent of the one possessing such rights. Morrison v. State, Mo.App., 252 S.W.2d 97, 101.

[Black's Law Dictionary Fifth Edition pg 683]

The government must provide a signed bona fide contract stating that Lira-Rodriguez consented to give away his equal-protection a Private right and not a privilege.

(c) Conclusion

For these reasons, this Court should Grant Lira-Rodriguez's motion Under Section 2255, and give him all relief sought under the Constitution.

Respectfully Submitted
Without Prejudice
Jose Lira-Rodriguez
Jose Lira-Rodriguez
inmate # 36803-177
FCI JESUP
2680 HWY 301 SOUTH
Jesup, GA 31599

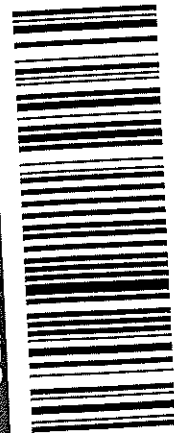
CERTIFICATE OF SERVICE

I certify that on November 5, 2021 a copy of this motion was furnished to the Clerk of Court at 501 west tenth st. Room 310 Fort Worth, TX 76102

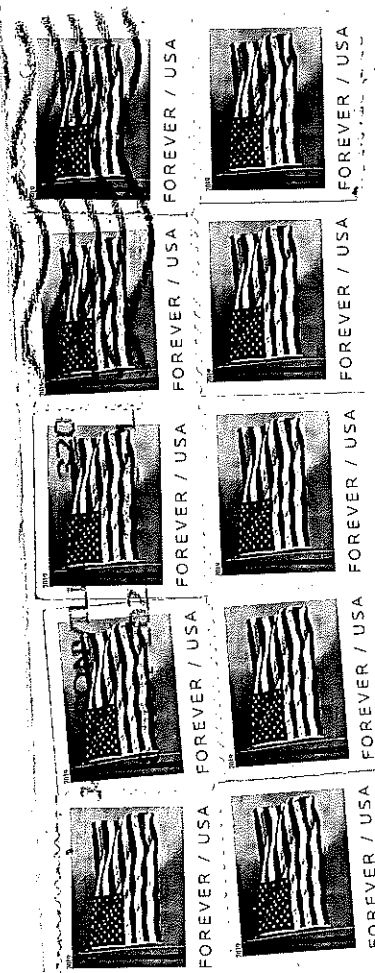
Jose Lirae Rodriguez
Federal Correctional Institution
2680 Hwy 301 South
Jesup GA, 31549

NOV 12 2021 11:40

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